

JOE WARDY  
MAYOR

JOYCE WILSON  
CITY MANAGER



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

### REGULAR COUNCIL MEETING COUNCIL CHAMBERS MARCH 1, 2005 9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:06 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Vivian Rojas, and Anthony W. Cobos. Late arrivals: Susan Austin at 9:10 a.m. and Paul J. Escobar at 9:15 a.m. Early Departure: Jose Alexandro Lozano left the meeting at 10:48 a.m. and Robert A. Cushing left the meeting at 1:20 p.m. Absent: None. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

### MAYOR'S PROCLAMATIONS

1. *Red Cross Month*
2. *National Association of Social Workers*
3. *Cesar Chavez Week*

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the following item:

Pursuant to Article VIII, Section 1-b (h) of the Texas Constitution and to Texas Tax Code Annotated, Section 11.261 (Vernon 2005), presentation, discussion, and approval by City Council of an ad valorem tax freeze in El Paso City for the elderly and disabled homeowners on their homesteads to be effective in the City's tax year 2005. [J E Chavez Caldera]

Representative Austin was not present for the vote.

Mayor Joe Wardy and Representatives Cobos, Lozano, Ortega and Cushing commented.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the **CONSENT AGENDA** unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the **MINUTES** for the Regular City Council Meeting of February 22, 2005.

\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the **MINUTES** for the Special City Council Meeting of February 17, 2005 (Joint Meeting with Las Cruces City Council).

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Concession Agreement by and between the City of El Paso ("City") and CheckPoint Mailers, Inc. ("Concessionaire") for the operation of a self-service security checkpoint mailing concession at the El Paso International Airport.

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to sign a Memorandum of Agreement, on behalf of the City of El Paso, between the Federal Aviation Administration, the Texas State Historic Preservation Officer and the City of El Paso, pursuant to 36 CFR 800, regarding the construction of a municipal golf course located on the El Paso International Airport property. This Memorandum of Agreement is subject to the review and approval of the City Attorney's Office.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign, on behalf of the City, a Contract of Sale between the CITY OF EL PASO and ARMANDO & LIDIA ALVAREZ for the purchase of a portion (.452 acre) of Lot 5, Block 16, Second Amended Map of West Ysleta, El Paso, El Paso County, Texas, to be used as for the purpose of right-of-way requirements related to the construction of the Dorbandt Street & Drainage Improvement Project.

.....  
Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

RESOLUTION

**WHEREAS**, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

**WHEREAS**, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements, and Proposition No. 3 included a specific project name "General Street Improvements" (District 6), which is described as "Street improvements to include street lighting, signal & flasher installation, and median landscaping; and

**WHEREAS**, the "General Street Improvements" (District 6) project description requires the priorities and locations to be approved by City Council; and

**WHEREAS**, City Council has reviewed the following priorities and locations,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the El Paso City Council approves the following priorities and locations under the "General Street Improvements" (District 6) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election:

- Five Ornamental Street Lights on Whirlaway Drive - \$40,000.00,
- Eight Street Lights on existing poles on Ted Houghton Drive - \$7,432.00,
- Median Landscaping on Montwood Drive from Loop 375 to Sun Fire Boulevard - \$122,012.59,
- One Street Light on Cheryl Ladd Court near Karl Wyler Drive - \$929.00,
- One Street Light on Karl Wyler Drive at the corner of Cheryl Ladd Court - \$929.00,
- One Street Light at 8691 Independence Drive - \$929.00,
- One Street Light at 9129 Sweet Acacia Drive - \$1,200.00, and
- Pedestrian Flasher on Escobar between Zaragoza Road and Tio Dink Circle -\$25,192.00

There was no discussion.

Motion made by Representative Escobar, seconded by Representative Ortega and unanimously carried to **APPROVE** the above Resolution.

NOTE: Resolution was revised from "One Street Light at 8961 Independence Drive - \$929.00" to - One Street Light at 8691 Independence Drive - \$929.00

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign Division of Emergency Management form DEM-147 Emergency Management Director/Coordinator Notification between the CITY OF EL PASO and the STATE OF TEXAS GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT (GDEM). The form authorizes Fire Deputy Chief Donald Berger to be identified as El Paso City/County Emergency Management Coordinator. Section 418.101 of the Texas Government Code requires this notification.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **HUITT-ZOLLARS, INC.**, for a project known as "**Sixth Avenue Street & Drainage Improvements Phase I**" for an amount not to exceed SEVENTY THOUSAND FIVE HUNDRED and 00/100 DOLLARS (\$70,500.00).

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso, Texas, and Ciudad Juárez, Chihuahua, commit to collaborative activities in support of projects of common interest to their respective cities and that the Mayor be authorized to sign counterpart originals, in both English and Spanish, of a Sister City Agreement between the cities.

Mayor Joe Wardy and Representatives Lozano, Cobos and Rojas commented.

\*APPOINTMENT OF ELECTION OFFICIALS

THE STATE OF TEXAS       )  
  )  
COUNTY OF EL PASO       )

For the purpose of conducting and holding a General Election for the Election of Officers in the City of El Paso, on May 7, 2005, the following election officials are hereby appointed.

1. The persons named in Exhibit "A" attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for the main early voting station and the branch offices for early voting in the City. Each Presiding Judge shall appoint not less than two nor more than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election, his or her Alternate Presiding Judge shall serve as Presiding Judge.

2. The persons named in Exhibit "B" attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for each of the regular election precincts of the City. Each Presiding Judge shall appoint not less than two nor more than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election his or her alternate Presiding Judge shall serve as Presiding Judge.

3. The persons named in Exhibit "C" attached hereto and made a part hereof for all purposes are appointed as a special Canvassing Board, respectively, to count, canvass and record all early votes and early ballots cast at said election.

4. The persons named in Exhibit "D" attached hereto and made a part hereof for all purposes are hereby appointed as the Central Counting Station Manager, Tabulating Supervisor, Central Counting Station Judge, and Early Voting Ballot Board Chairman, respectively, to operate a central counting station to receive and tabulate the voted ballots at said election. (All Exhibits on file in the City Clerk's office).

NOTE: Exhibit "A" was revised, revisions were read into the record by Municipal Clerk Richarda Duffy Momsen.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and Socorro Independent School District to allow for a joint election on May 7, 2005 for the purpose of sharing the costs.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and Canutillo Independent School District to allow for a joint election on May 7, 2005 for the purpose of sharing the costs.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **RON BROWN ARCHITECTS**, a sole proprietorship registered in the state of Texas, for a project known as "Arlington and Sunrise Parks" for an amount not to exceed **TWENTY NINE THOUSAND TWO HUNDRED NINETEEN AND 88/100 DOLLARS (\$29,219.88)**.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for the Eastside Regional Library, at 12600 Pebble Hills, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. One (1) 300 KVA transformer will be installed to service the electrical load.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on Lot 83, Block 12, Tierra Del Este, Unit 1, El Paso County, Texas to provide electrical service to the Eastside Regional Library located at 12600 Pebble Hills.

**\*RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Domestic Abuse Response Team be operated for the July 1, 2005 - June 30, 2006 year; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates Mayor Joe Wardy as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the El Paso City Council approves submission of the grant application for the Domestic Abuse Response Team project to the Office of the Governor, Criminal Justice Division.

2. The Mayor be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$129,570.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Victim Services Response Team; that the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant, authorize budget transfers and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.

3. The City of El Paso agrees to provide in-kind matching funds in the amount of \$43,190.00.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

5. The Mayor be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's Office; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

The following City staff members commented:

1. Mr. Ernest Rodriguez, Assistant City Attorney
2. Deputy Police Chief Sylvia DeAngelis
3. Ms. Joyce Wilson, City Manager

NOTE: Resolution was revised.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign, on behalf of the Parks and Recreation Department, a Park Use Agreement with the El Paso Rehabilitation Center providing support for the "Spring Into Fun Day" event to be held on Saturday, March 19, 2005, for special needs children and others at Eastwood Park, also known as Album Park, located at 3001 Parkwood Street, El Paso, El Paso County, Texas, from 10:00 a.m. through 1:00 p.m., and that the transfer of SEVEN HUNDRED FIFTEEN AND NO/100 DOLLARS (\$715.00) from District 5 Discretionary Fund be authorized for this event.

\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 29<sup>th</sup> day of March, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3428 E. San Antonio Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 19, Block K, D. M. Paynes Subdivision of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 4, Page 54, Plat Records of El Paso County, Texas, Save and Except a portion thereof conveyed to the State of Texas by Deed recorded in Book 231, Page 2205, Real Property Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Josefa Rangel Romo and Jose Vicente Rangel, 3428 E. San Antonio Avenue, El Paso, Texas 79905, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;

III) the Owners may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request to fill the following position(s) on a **TEMPORARY BASIS** in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Laborer (1)  
Fund Source: 51010262-01101-51095

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the following **PROVISIONAL APPOINTMENT(S)** in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Equipment Operator II (1)  
Fund Source: 51010262-01101-51095

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the **STAFFING TABLE CHANGE** for Museum

Add	1.00	Museum Development Coordinator	PM 75
Delete	1.00	Museum Education Curator	PM 77

Fund Source: 56010252-01101-501000

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RE-APPOINT** Larry Garcia to the Fair Housing Task Force by Mayor Joe Wardy.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RE-APPOINT** Leon Metz to the History Museum Board by Representative Robert A. Cushing, Jr., District 2.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RE-APPOINT** Wanda Helgesen to the Fire Medical Services Policy Board by Representative Robert A. Cushing, Jr., District 2.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RE-APPOINT** Eric Reed to the City Accessibility Advisory Committee by Representative Jose Alexandro Lozano, District 3.



.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RE-APPOINT** Bradley Roe to the Zoning Board of Adjustment as an Alternate member by Representative John F. Cook, District 4.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPOINT** John Cordova to the Building and Standards Commission (Engineer) by Representative Susan Austin, District 1.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPOINT** Esteban Sansores (as an Alternate member) to the Zoning Board of Adjustment by Representative Jose Alexandro Lozano, District 3.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPOINT** Gerardo L. "Tito" Camacho to the International Bridge Commission by Representative Jose Alexandro Lozano, District 3.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPOINT** Dr. Manuel Moreno to the Ethics Review Commission by Representative Jose Alexandro Lozano, District 3.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPOINT** Sara Hernandez to the Workforce Retraining Advisory Committee by Mayor Pro Tempore Anthony W. Cobos, District 8.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried that the following installment agreements for **AD VALOREM TAXES** be **APPROVED** in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #A642-999-0220-3300, \$1,342.96 per month installments on a balance of \$16,115.52 for 2000, 2001, 2002 & 2003 taxes; Paula R. & Ralph W. Mitchell – 4616 Cupid Dr.
- B. PID #'s M028-999-0420-9100 & 0597-999-8000-0000, \$924.73 per month installments on a balance of \$11,096.76 for 1999, 2000, 2001 & 2003 taxes; Antonia C. Serrano & Hortencia Chavez – 818 Hills St.
- C. PID #V893-999-1190-5100, \$207.47 per month installments on a balance of \$2,904.58 for 2004 taxes; Rosendo & Yolanda A. Najar – 2412 Anise.
- D. PID #A520-999-0150-4600, \$239.22 per month installments on a balance of \$2,392.20 for 2004 taxes; Irma Reyes – 2111 N. Raynor St.
- E. PID #'s B202-999-0350-0101 & #0826-999-1439-0034, \$970.71 per month installments on a balance of \$34,945.56 for 2000, 2001, 2002 & 2003 taxes; Mario Ramirez – 2332 Bassett.
- F. PID #B690-999-0009-0002, \$412.73 per month installments on a balance of \$2,476.38 for 2002 & 2003 taxes; Jose Juarez – 260 Placida St.
- G. PID #C755-000-0020-0030, \$427.14 per month installments on a balance of \$5,125.68 for 2001 & 2003 taxes; Francisco Acuna – 13005 Alameda.
- H. PID #'s G569-999-0810-7100 & #G569-999-0810-7101, \$215.50 per month installments on a balance of \$2,586.00 for 2004 taxes; Mercedes S. Orozco – 4326 Manchester.
- I. PID #K561-000-0000-0100, \$330.41 per month installments on a balance of \$3,964.92 for 2002 & 2003 taxes; Alfredo & Soledad Almengor – 19350 Highland St.
- J. PID #M425-999-0360-4300, \$321.06 per month installments on a balance of \$5,779.08 for 2002, 2003 & 2004 taxes; Manuel & Rosa E. Bernal – 5340 Juliandra Ave.
- K. PID #'s 0632-999-9000-0000, #M946-999-0230-0100, #0185-999-0000-4500 & #G492-999-0010-8100, \$3,595.25 per month installments on a balance of \$21,571.50 for 2001, 2002, 2003 & 2004 taxes; Robles & Sons, Inc. – 11450 James Watt.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried that the following **TAX REFUNDS** be **APPROVED**:

- A. Bradley A. & Pamela G. Capes in the amount of \$4,267.30 overpayment of 2004 taxes.  
(PID #C340-999-1740-0600)
- B. Gina Nevarez in the amount of \$3,505.00 overpayment of 2004 taxes.  
(PID #C518-999-1130-1500)
- C. Ocwen Federal Bank in the amount of \$4,632.35 overpayment of 2003 taxes.  
(PID #C809-999-0210-0700)
- D. Wells Fargo Home Mortgage in the amount of \$2,899.99 overpayment of 2003 taxes.  
(PID #C809-999-0300-1100)
- E. Esther Trujillo in the amount of \$3,084.09 overpayment of 2004 taxes.  
(PID #H788-011-0070-2800)
- F. Gerardo Gonzalez in the amount of \$13,500.00 overpayment of 2004 taxes.  
(PID #P327-999-0010-4600)
- G. Sergio Lewis in the amount of \$7,684.10 overpayment of 2003 taxes.  
(PID #X579-999-308A-9609)
- H. Emmaus Ventures LLC in the amount of \$34,718.67 overpayment of 2004 taxes.  
(PID #M473-999-0140-0100)
- I. Stewart Title in the amount of \$2,582.99 overpayment of 2004 taxes.  
(PID #Q550-999-0080-1500)
- J. Stewart Title of El Paso in the amount of \$3,376.69 overpayment of 2004 taxes.  
(PID #R246-999-0150-3800)
- K. Lone Star Title in the amount of \$3,270.24 overpayment of 2004 taxes.  
(PID #S052-999-0060-5501)
- L. Pete A. and Maria Medina in the amount of \$3,992.53 overpayment of 2004 taxes.  
(PID #S380-999-0020-5000)
- M. Government Employees Credit Union of El Paso in the amount of \$4,234.09 overpayment of 2004 taxes. (PID #S812-999-0420-2200)
- N. Sierra Title Co. in the amount of \$2,788.70 overpayment of 2004 taxes.  
(PID #T287-999-0210-1500)
- O. Citimortgage refunds in the amount of \$25,160.22 overpayment of 2004 taxes.  
(PID #R439-999-0050-7800)
- P. Sergio E. Lopez in the amount of \$2,698.94 overpayment of 2004 taxes.  
(PID #V893-999-5300-0800)

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to issue Purchase Order(s) as necessary to OAG Worldwide Limited to provide its licensed database platforms, including maintenance, upgrades and support, for its proprietary software, OAG Airport FlightFinder®.

OAG Worldwide Limited is the developer and exclusive sole source provider of OAG Airport FlightFinder®. As proprietor of the database platforms, OAG Worldwide Limited is the only known source that can provide the required processing and support to its proprietary software programs.

These database platforms and software programs will provide information on the Airport's Web Site concerning flights for which the departure or arrival airport is the El Paso International Airport.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the City Manager or Mayor execute any additional documents and/or licensing agreements as

necessary. Funds for this expenditure shall be made available in the following account:

Department: Department of Aviation  
Funds Available: 62620003-503121-40101  
Funding Source: Airport Operating Funds  
Amount: \$7,000 (annual estimate)  
District(s): District 3 (2005-130)

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-073 Elevator Reconditioning

Award to: American Elevator  
El Paso, Texas  
Item (s): All  
Amount: \$29,500.00

Department: Fleet Services Department  
Funds available: 31135001-508027-27123-P501545  
Funding source: FY98 Certificates of Obligation  
Total award: \$29,500.00

Fleet Services and Purchasing Departments recommend award as indicated to American Elevator, as this Offeror has provided the Best Value Proposal.

This is a best value fixed-price, single (one-time) purchase to recondition the service elevator in the Fleet Services Maintenance facility located on 910 Raynor St. Presently the elevator is out of service, but will be reconditioned and brought up to current codes. An option is offered to purchase up to one-hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one-hundred and eighty (180) days, from the contract award date. No prompt payment discount is offered.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-008 Airfield Lighting Supplies

Award to: Siemens Airfield Solutions, Inc.  
Columbus, OH  
Item (s): Group I  
Amount: \$25,000.00 (estimated annually)

Department: Aviation  
Funds available: 62620003-503121  
Funding source: Airport Operating Fund  
Total award: \$75,000.00 (estimated)

The Department of Aviation and the Purchasing Department recommend award as indicated to the sole responsive offer that was received.

This is a Thirty-Six (36) month requirements-type Contract for Airfield Lighting Supplies. The Contract will officially begin at 12:01 AM, March 2, 2005.

Vendor does not offer the City the option of extending the term of the contract. Vendor does not offer a prompt payment discount.

.....

\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-055 Uniforms For The Street Department

Award to: Vendor 1: Bazaar Uniforms & Men's Store  
El Paso, Texas  
Item(s): #1, #5, #6 (including alternate #2), #8, #9, #10, #11 & #13  
Amount: \$91,892.80 (estimated annually)

Award to: Vendor 2: Work Wear Safety Shoe  
El Paso, Texas  
Item(s): #2, &, #4  
Amount: \$8,920.00 (estimated annually)

Award to: Vendor 3: Alco Industrial Co.  
El Paso, Texas  
Item(s): #12  
Amount: \$4,532.00 (estimated annually)

Award to: Vendor 4: Iron Age Corporation  
Pittsburgh, PA  
Item(s): #3  
Amount: \$3,150.00 (estimated annually)

Department: Street  
Funds available: 32010200-32010159-503120-503123-01101  
Funding source: Street Department General Operations Fund  
Total award: \$216,989.60 (estimated)

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Item #7 will not be awarded, alternate item chosen.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor #3 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

Vendor #4 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

.....

\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** budget transfer BT2005-625 PARKS AND RECREATION

This budget transfer requests a new appropriation to purchase and install a portable telephone at the San Juan Recreation Center. This will allow center staff to answer the phone at all times.

Increase	\$1,500	to	51510123/P50021316313/407002	Est Rev
Increase	\$1,500	to	51510123/P50021316313/508035	Communicat

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** budget transfer BT2005-673 HEALTH

DSHS has allocated \$280,000 in the Public Health Preparedness budget to complete funding necessary for the renovation of the Medical Examiners building.

Increase	\$280,000	to	41150023/G41052506105/406001	StGrantProc
Increase	\$280,000	to	41150023/G41052506105/508027	Construction

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** budget transfer BT2005-674 BUILDING AND PLANNING SERVICES

On behalf of the Health Department, Building and Planning Services proposes to transfer \$280,000 from the Texas Dept. of Health's Office of Public Health Preparedness grant FY 2005 to the Medical Examiner's Facility. Funds replace a Federal Air Quality the Health Administration Building.

Decrease	\$280,000	from	41150023/G41052506105/508027	Construction
Increase	\$280,000	to	41150023/PPWHE0400206105/508027	Construction

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** budget transfer BT2005-684 MUSEUM (ART)

To set up appropriation in the restricted fund for contractual services related to Museum Special Events.

Increase	\$8,000	to	54500025/50105/407002	Est Rev
Increase	\$8,000	to	54500025/50105/502215	Outside Cnts

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** budget transfer BT2005-701 PARKS AND RECREATION

This budget transfer requests a new appropriation to purchase five scoreboards for use at Blackie Chester Park Sports Plex. These are needed for the World Hispanic Softball Tournament. Money is available in Acosta Sports Fund balance.

Increase	\$10,000	to	51010215/P50020216302/407002	Est Rev
Increase	\$10,000	to	51010215/P50020216302/508008	Major Equip

\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** budget transfer BT2005-716 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$93,000 from the 2000 QOL Parks Contingency project to the Irwin Lambka (Cloudview) Park. \$73,000 was included in P+3's Program Outlook which was approved by City Council 9-14-04. \$23,000 is for additional funds. Funding source is 2000 QOL bonds.

Decrease	\$93,000	from	31130600/PQLPA17760176/504405	OperCntgncy
Increase	\$93,000	to	31130600/PQLPA17760176/507001	Intrafd Trf (U)
Increase	\$93,000	to	14101001/PQLPA12260122/407001	Intrafd Trf (S)
Increase	\$93,000	to	14101001/PQLPA12260122/508027	Construction

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** budget transfer BT2005-717 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$5,753.11 from the 2000 QOL Parks Contingency project to the San Jacinto project to fund construction. Funding source is 2000 QOL bonds.

Decrease	\$5,753.11	from	31130600/PQLPA17760176/504405	OperCntgncy
Increase	\$5,753.11	to	31130600/PQLPA17760176/507001	Intrafd Trf (U)
Increase	\$5,753.11	to	31130600/PPW004604760062/407001	Intrafd Trf (S)
Increase	\$5,753.11	to	31130600/PPW004604760062/508024	Testing

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** Business License refund to Albert Pallarez in the amount of \$213.74.

Funding Source: \$150.00 from Account 41010227-404138 and \$63.74 from Account 36010119-414111

.....  
\*Motion made Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request of United Way to hold a ½ Marathon and a 5k run on April 3, 2005 from 8:00 a.m. to 11:00 a.m. Route-1/2 Marathon- Start at Kern and Mesa, turn right on Stanton to Rim, turn left on Rim to Scenic Drive, turn left on Louisiana to Altura, turn right on Altura to Marr, turn right on Marr to Hastings, turn left on Hastings to Magruder, turn left on Magruder to Hughey, turn right on Hughey to Mescalero, turn right on Mescalero to Aztec, turn left on Aztec to Sioux, turn right on Sioux to Edgemere, turn right on Juniper to W.H. Burges, turn left on W.H. Burges to Glen Garry, turn left on Glen Garry to Backus, turn right on Backus to Daugherty, turn left on Daugherty to McRae, turn right on McRae to Springwood, turn left on Springwood to Bois D'Arc, turn right on Bois D'Arc to Caper and finish at Caper. Route-5k run- Start on Caper to Bois D'Arc, turn left on Bois D'Arc to Springwood, turn left on Springwood to McRae, turn right on McRae to Daugherty, turn left on Daugherty to Backus, turn right on Backus to Montwood, turn around on Montwood and follow the same route to Caper. Approximately 1,000 persons, 1 vehicle will take part and 1,000 spectators are anticipated. This request includes permission to use amplification (small P.A system). PERMIT NO. 05-008 [Bill Barry]

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request of C.A.S.A/San Martin House of Hope to hold a footrace on April 30, 2005 from 7:30 a.m. to 9:00 a.m. Route: Start at the corner of Cotton and Texas, proceed on Texas to Mesa and finish at the corner of Mesa and Texas. Approximately 200 persons will take part and 50 spectators are anticipated. This request includes permission to use amplification (small P.A. system). PERMIT NO. 05-007 [Bill Barry]

\*Motion made by Representative Cobos, seconded Representative Rojas and unanimously carried to **APPROVE** the request of St. Patrick Cathedral School to hold a St. Patrick's Day parade on March 17, 2005 from 1:30 p.m. to 2:30 p.m. Route: Start at the alley of St. Patrick's Church to Nevada, turn right on Nevada to Stanton, turn left on Stanton to River, turn left on River to Stanton, turn left on Stanton to Arizona, and finish at the church's alley. Approximately 500 persons will take part and 600 spectators are anticipated. PERMIT NO. 05-010 [Irma Pier]

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request of the American Lung Association of Texas to hold a 5k walk/run on May 7, 2005 from 6:30 a.m. to 12:00 p.m. Route: Jogging path at Album Park, located at 3110 Parkwood. Approximately 250 persons will take part and 200 spectators are anticipated. This request includes permission to use amplification (1 microphone, 2 speakers, and 2 amplifiers). PERMIT NO. 05-011 [Elizabeth Terrazas]

.....  
\*Motion made by Representative Cobos, seconded Representative Rojas and unanimously carried to **APPROVE** the request of El Paso Times to hold a 5k and 20k footrace/walk on March 13, 2005 from 6:30 a.m. to 10:29 a.m. Route for the 5k-Footrace/walk: Start on Kenworthy at EPCC's parking lot to Diana, turn right on Diana to Gateway North, turn right on Gateway North, proceed on Gateway North to Transmountain Dr., turn around Transmountain Dr. to Gateway South, turn left on Gateway South to Diana, turn left on Diana to Gateway North, and finish at the EPCC's parking lot. Route for the 20k footrace/walk: Start at Northwestern and Trade Center Ave. to Transmountain, turn right on Transmountain to Gateway South, turn right on Gateway South to Diana, turn left on Diana to Gateway North, and finish at the EPCC's parking lot. Approximately 1,500 persons, 20 vehicles will take part and 300 spectators are anticipated. This request includes permission to use amplification (generator & microphone). PERMIT NO. 05-013 [Maribel Villalva]

.....  
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 3 (Revenue and Finance), Chapter 3.04 (Property Taxes), to amend Sections 3.04.050 (Delinquent Taxes—Installment Payments—Nonlitigated Delinquencies) and 3.04.060 (Delinquent Taxes—Installment Payments—Litigated Delinquencies) to provide that the Installment Agreements shall be entered into and signed by the Tax Assessor/Collector and the City Manager.
- B. An Ordinance repealing Ordinance No. 15893, granting the authority to the City Manager or the Department Head to enter into and sign certain Personal, Professional, Independent and Volunteer Service Contracts on behalf of the City and to create a new Ordinance on the same subject.
- C. An Ordinance granting the authority to the City Manager to enter into and sign certain Contracts on behalf of the City and to sign certain documents; to authorize the City Manager to approve certain events and activities by the various departments of the City; to authorize the City Manager to issue certain types of refunds; to authorize the City Manager to make certain budget transfers; to authorize the City Manager to administratively handle matters previously addressed by resolutions of the City Council; and to set forth the delegation of administrative authority to the City Manager.
- D. An Ordinance relating to the process for submitting grant applications and accepting grant funding; and granting the authority to the City Manager and designee to sign and submit grant-related documents; and to repeal Section 10 of Ordinance No. 15791 relating to the placement of grant related items on the City Council Agenda and create new procedures.

- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the procedures for amending certain portions of the job specifications; to revise the procedures for advancement within pay grade; to revise the procedures determining entry salary under the Executive Compensation Plan; to revise the process for authorizing the use of personally owned tools or vehicles; and to revise the procedures relating to special sick leave.
- F. An Ordinance granting the authority to the City Manager or his or her designee to make provisional and temporary employee appointments in accordance with the El Paso City Charter.
- G. An Ordinance vacating all of the 20-foot wide alley within Block 49, Campbell Addition, City of El Paso, El Paso County, Texas.
- H. An Ordinance vacating a portion of Ninth Avenue between Blocks 31 and 49, Campbell Addition, City of El Paso, El Paso County, Texas.

**PUBLIC HEARING WILL BE HELD ON MARCH 15, 2005 FOR ITEMS A – H**

- I. An Ordinance changing the zoning of Parcel 1: A portion of Sections 22, 23, 26, and 27, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to A-3 (Apartment); and Parcel 2: A portion of Section 27, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: City of El Paso, Texas. ZON05-00003

**PUBLIC HEARING WILL BE HELD ON MARCH 22, 2005 FOR ITEM I**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
 Item: Discussion and action on the following candidates for appointment to the Public Service Board as recommended by the Board:

1. Maria Teran
2. Rosa Santana
3. Irene Chavez

Mayor Joe Wardy and Representatives Cushing, Escobar, Cook, Austin and Ortega commented.

Mr. Stuart Mitchell, President of the Mountain Arroyos Neighborhood Association, commented.

Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **APPOINT** Maria Teran to the to the Public Service Board.

.....  
 The following items were considered together:

- Discussion and action on amendment of the Cooperative Agreement establishing the City-County Health and Environmental District.
- Discussion and action on a Resolution that the Mayor be authorized to sign a Cooperative Agreement between the El Paso County, Texas, and the City of El Paso, to amend and supercede that Cooperative Agreement dated March 6, 2001, establishing the City-County Health and Environmental District.



Mayor Joe Wardy and Representatives Austin, Cobos, Cook, Lozano, Cushing and Ortega commented.

The following City staff members commented:

1. Mr. Mark Everett, El Paso City County Health and Environmental District
2. Ms. Lisa Hayes, Assistant City Attorney

**1<sup>st</sup> Motion:**

Motion made by Representative Austin, seconded by Representative Cushing and carried to **AMEND** the Cooperative Agreement with the El Paso County establishing the City-County Health and Environmental District by removing the reference to the City Manager on the bottom of page 2 and top of page 3 of the cooperative agreement.

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

**2<sup>nd</sup> and Final Motion:**

Motion made by Representative Austin, seconded by Representative Rojas and carried to **APPROVE AS AMENDED** the Cooperative Agreement with the El Paso County establishing the City-County Health and Environmental District.

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

.....  
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** Change Order No. One to EAS Contracting, L. P. for Contract No. 2004-204, El Paso International Airport Airfield Lighting and Controls project for an increased amount of \$779,983.45, as follows:

Scope Change: Replace 203 signs of various types from 1 to 7 modules on the airfield. Add 60 calendar days to contract time. \$834,911.00

Construction Change: Revise line items in contract to allow for payment of temporary wiring, lights, and signs to reflect actual onsite conditions; revise contract line items for several duct bank configurations that are required between the handhole and the end of the casing for the bores under the taxiways and runway to reflect actual requirements; credit is also being provided for material not used in Taxiway K2 bore. <\$54,927.55>

.....  
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **AWARD** Bid Solicitation No. 2005-071 EPIA Pavement Rehabilitation

Contractor: Dan Williams Company  
El Paso, Texas

Department: Aviation  
Funds Available: 62620031-G620AIP0022-11511-508027  
Funding Source: FAA Grant 3-48-0077-21-04  
Items: Base Bid I \$4,103,622.18  
Base Bid II \$ 155,830.00  
Total Award: \$4,259,452.18 (Estimated)

RECOMMENDATION:

The Departments of Engineering and Aviation recommend the award of this contract to Dan Williams Company, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

.....  
Item: An Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design Principles) Section 19.16.050 (Stormwater Design) Subsection 19.16.050.H (Preservation of Natural Arroyos) to require that the City Plan Commission determine whether to approve a modification of conditions to allow improvements on natural drainage courses known as arroyos. The penalty is as provided in Section 19.04.190 of the Code.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to **POSTPONE TWO (2) WEEKS AND TO MOVE THE ITEM TO A PLANNING, RESEARCH AND DEVELOPMENT LEGISLATIVE REVIEW COMMITTEE MEETING.**

AYES: Representatives Cushing, Ortega, Escobar, Rojas and Cobos  
NAYS: Representatives Austin and Cook  
NOT PRESENT: Representative Lozano

Mayor Joe Wardy and Representatives Austin, Cushing, Cook, Cobos and Rojas commented.

The following City staff members commented:

1. Mr. George G. Sarmiento, Director of Planning, Research and Development
2. Mr. Matt Watson, Assistant City Attorney, read into the record the City Plan Commission's proposed language change to Subsection 19.16.050.H., Section 5. (an additional Section to the Ordinance), and Section 6. (an additional Section to the Ordinance)
3. Mr. Rick Conner, City Engineer
4. Ms. Terri Cullen-Garney, Deputy City Attorney

The following members of the public commented:

1. Dr. Rick Bonart, President, Borderland Mountain Bike Association
2. Mr. Richard Schechter
3. Mr. Matthew F. Carroll
4. Mr. Stuart Mitchell, President, Mountain Arroyos Neighborhood Association
5. Ms. Lisa Turner

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **POSTPONE EIGHT (8) WEEKS** the public hearing to determine if the property located at 770 Hempstead Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated October 14, 2004. The owners of this property, Karen Pamela Smythe, Mabel S. Haith, 770 Hempstead Drive, El Paso, Texas 79912-7086, have been notified of the violations at this property.  
.....

## ORDINANCE 16008

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO CITY CODE, BY REVISING CHAPTER 18.02 BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), TO ELIMINATE THE LOCAL ELECTRICAL LICENSING REQUIREMENT FOR PERSONS, FIRMS OR CORPORATIONS HOLDING AN ELECTRICAL LICENSE ISSUED BY THE STATE IN ACCORDANCE WITH TEXAS OCCUPATIONS CODE, TITLE 8, CHAPTER 1305**

Mr. Alan Shubert, Director of Building Permits and Inspections, gave a Powerpoint presentation and commented.

Mr. Javier Casas, Business Manager for Local 583 - Electrical Workers, spoke in favor of the Ordinance.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None Absent: None

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  

## ORDINANCE 16009

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$45,660,000 CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE BONDS, SERIES 2005-A, FOR THE PURPOSE OF IMPROVING AND EXTENDING THE CITY'S WATER AND SEWER SYSTEM AND PAYING THE COSTS RELATED TO THE ISSUANCE OF THE BONDS; APPROVING A PURCHASE CONTRACT; APPROVING AN OFFICIAL STATEMENT; AND ENACTING PROVISIONS RELATED THERETO.**

Mr. Paul Braden, PSB Bond Counsel, revised the amount of the Revenue Bonds to \$45,660,000.

Mr. Steven Adams, First Southwest, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None Absent: None

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS REVISED**.

.....  
Item: City Manager's report of current events and issues: Audit and Expanded Audit Findings

Mayor Joe Wardy and Representatives Ortega, Austin, Cushing, Cobos, and Cook commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Comptroller
3. Mr. William Studer, Deputy City Manager

Mr. John Kennedy, KPMG representative, commented.

Ms. Lisa Turner, citizen, commented.

**NO ACTION WAS TAKEN** on the Audit and Expanded Audit Findings.

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the following Executive Session item:

Ranchos Real IV, Ltd., vs. The City of El Paso; Cause No. 2001-3371. (551.071)

.....  
\*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **DELETE** the following Executive Session item:

*Nancy Hollebeke vs. The City of El Paso, et al*; Cause No. EP-04-CA-0185-HLH in the United States District Court for the Western District of Texas. (551.071)

.....  
Motion made by Representative Cook, seconded by Representative Austin and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:18 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Representative Lozano was not present for the vote.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A.** Discussion and action regarding the Courts of Inquiry matters, Cause Nos. 20040D00188, 20040D00814, 2004OD00147, 2004OD01554, 2004OD01555 and 2004OD01556. (551.071)
- B.** *Frank Lopez III, et al vs. City of El Paso, Texas, et al*; Cause No. EP-05-CA-0009-FM in the United States District Court of Texas. (551.071)

- C. Discussion and action regarding the condemnation of easements or other property interests to secure crossing rights over water conveyance channels at the following locations: (551.071 and 551.072)

Indian Place

On or near a portion of Tract 4B2E, Block 12, Ysleta Grant, El Paso County, Texas.

Sunland Park

On or near a portion of Tract 7 and Tract 5, Upper Valley Grants, Block 1, El Paso County, Texas.

Cedar Grove - Durill Road

On or near a portion of Cedar Grove Unit One, Block 14, El Paso County, Texas.

Cedar Grove - Carolina Dr.

On or near a portion of Cedar Grove Unit One, Block 14, El Paso County, Texas.

Roseway

on or near a portion of Tract 11, Block 46, Ysleta Grant, El Paso County, Texas. (approx. 20 ft. wide strip)

on or near a portion (approx. 30 ft wide strip) of the Middle Drain access road, that is adjacent to Tracts 4B, 3A1, 2A, 1, Ysleta Grant Survey, El Paso County, Texas.

Zoo Expansion

on or near Portions of Blocks 5, 6 and 7 and portions of Martinez Street, San Antonio Street and Boone Street, Washington Park Addition, El Paso County, Texas.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:46 p.m., during which time motions were made as follows:

Representatives Cushing and Lozano were not present for the vote.

.....  
Motion made Deputy Mayor Pro Tem Escobar, seconded by Representative Ortega and unanimously **CARRIED** that the City Attorney's Office be authorized to negotiate and execute contracts with outside counsel for representation of the City of El Paso in connection with the court of inquiry proceedings designated as Jess Luna, cause number 2004-0D00147; Billy Ray Nitsh, cause number 2004-0D01554; Cecilio Soto, cause number 2004-0D0155; and Veneranda Soltero, cause number 2004-0D01556 as recommended by the City Attorney.

Representatives Cushing and Lozano were not present for the vote.

.....  
Motion made Deputy Mayor Pro Tem Escobar, seconded by Representative Ortega and unanimously **CARRIED** that the City Attorney be authorized settlement authority in the lawsuit styled *Frank Lopez III, et al vs. City of El Paso, Texas, et al*; Cause No. EP-05-CA-0009-FM in the United States District Court of Texas, and to proceed in said case as recommended by the City Attorney's Office.

Representatives Cushing and Lozano were not present for the vote.

.....  
Motion made by Deputy Mayor Pro Tem Escobar, seconded Representative Rojas and unanimously **CARRIED** that the City Attorney's Office be authorized to proceed as recommended regarding the condemnation of certain property to acquire an easement or other crossings rights to permit crossing over water conveyance channels owned by El Paso County Water Improvement District at the following locations:

Indian Place

On or near a portion of Tract 4B2E,  
Block 12, Ysleta Grant, El Paso County, Texas

Sunland Park

On or near a portion of Tract 7 and  
Tract 5, Upper Valley Grants, Block 1, El Paso County, Texas

Cedar Grove - Durill Road

On or near a portion of Cedar Grove Unit One,  
Block 14, El Paso County, Texas

Cedar Grove - Carolina Dr.

On or near a portion of Cedar Grove Unit One,  
Block 14, El Paso County, Texas

Roseway

On or near a portion of Tract 11, Block 46, Ysleta Grant,  
El Paso County, Texas. (approx 20 ft wide strip)

On or near a portion (approx. 30 ft wide strip) of the Middle Drain access road,  
that is adjacent to Tracts 4B, 3A1, 2A, 1, Ysleta Grant Survey,  
El Paso County, Texas.

Zoo Expansion

On or near Portions of Blocks 5, 6 and 7 and portions of Martinez Street,  
San Antonio Street and Boone Street, Washington Park Addition,  
El Paso, Texas

Representatives Cushing and Lozano were not present for the vote.

NOTE: Motion was amended by Representative Austin to add the following language: "owned by El Paso County Water Improvement District".

.....  
Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried to  
**ADJOURN** this meeting at 1:53 p.m.

Representatives Cushing and Lozano were not present for the vote.

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk